

REMARKS:

This application has been carefully studied and amended in view of the Office Action dated November 3, 2005.

Reconsideration of that action is requested in view of the following.

The allowance of claims 24-28 is noted with appreciation. Claims 29-34 have been added to complete the claim coverage. Each of these claims is based upon features claimed in parent U.S. Pat. No. 6,742,286 but each of these claims is now dependent directly or indirectly on allowable claim 24. Claim 11 has been canceled. Accordingly there are now five additional claims. The Commissioner is authorized to charge Deposit Account No. 03-2775 with respect to the fee required for these five additional claims.

In addition to newly presented claims 29-34 being dependent on allowed claim 24 prior independent claim 18 has been modified so as to be in dependent form and is dependent on claim 24. Accordingly, previously rejected claims 18-23 should now be allowed for the features presented therein and because of their dependency on allowable claim 24.

Claim 10 has been amended to more clearly define the invention. Claims 12-17 remain dependent directly or indirectly on claim 10.

It is respectfully submitted that parent claim 10 and its dependent claims are patentable over Grivel Courmayeur Crampon ("Grivel") in view of Piazza or Zock. Parent claim 10 relates to the feature of the invention wherein the flexible footwear traction system includes a foldable heel support. As described in the specification and in particular with reference to Figures 1-2, 4 and 11-14 this feature of the invention may be practiced wherein the heel support includes a heel cup 40 mounted above the heel piece 14 through one or more heel bales 42a, 42b. As specifically shown and described each end of each bale is bent inwardly to extend through a slot like opening 50a, 50b. As a result, each bale is not only pivotally mounted, but can be moved up and down in its respective opening. In this manner, as specifically described in the specification "the heel bales 42 can be actuated downward (that is, contacting against, and approximately parallel to the plane of, the heel piece) so that the heel cup 40 folds compactly against the heel piece 14 when not in use (as is shown in FIG. 16)." [page 7, lines 9-12 of specification; col. 5, lines 19-24 of parent '286 patent] As is shown in various figures such as in Figure 4 and in Figures 11-14 the bent end of each bale is disposed at the underside of the heel piece when the heel support is in its generally vertical orientation. Such structure would prevent further pivotal movement in a direction from the folded non-use condition to the

generally vertical orientation during use. Thus, the specification points out that "The heel bales 42 are shaped to allow the heel support to fold forward fully yet offer rigid support by stopping at near vertical (e.g., about 95-110 degrees) from the plane of the heel piece." [page 7, lines 6-8 of specification; col. 5, lines 15-18 of '286 patent] As a result, such structure comprises stop structure which limits the pivotal movement of the bales to a stop position which is at the generally vertical orientation of the heel support.

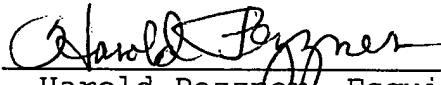
Claim 10 has been amended to recite the features of "the heel support comprising a pair of heel bales each of which has an inward projection extending through a respective opening in the heel piece for permitting the heel bales to pivot". Claim 10 also points out that "each of the openings being sufficiently larger than its respective heel bale to permit each of the heel bales to selectively move up and down in its opening whereby the heel support may be folded toward the heel piece during non-use". And claim 10 points out that "the heel support may also be selectively positioned at the generally vertical orientation of the heel support". Claim 10 further points out that the heel support includes "stop structure to limit the pivotal movement of the bales at a stop position at the generally vertical orientation of the heel support".

As recognized by Examiner Patterson in the Office Action Grivel does not have any structure regarding a pivotal heel piece. Accordingly, Piazza and Zock were relied upon for that feature. In each of Piazza and Zock, however, what is simply disclosed is a pivotal heel portion. No disclosure or suggestion is made of additionally being able to selectively move each heel bale up and down in its respective oversized opening. Moreover, no disclosure or suggestion is made in either Piazza or Zock of providing any stop structure which limits the pivotal movement of heel bales to a stop position. Instead the heel portion would be rotated or pivoted until it contacts the foot of the user. The foot of the user, however, does not comprise stop structure which is part of the heel support itself.

In view of the above amendments and remarks parent claim 10 and its dependent claims should clearly distinguish over the prior art.

In view of the above this application should be passed to issue.

Respectfully Submitted,

By: 
Harold Pezzner, Esquire
Reg. No. 22,112
Connolly Bove Lodge & Hutz, LLP
1007 N. Orange Street
Wilmington, DE 19801
(302) 658-9141

@PFDesktop\::ODMA/MHODMA/IMANDMS;CB;440094;1